



Environmental Planning Commission

***Agenda Number: 2
Project Number: 1003213
Case Number(s): 10EPC-40006
March 11, 2010***

Staff Report

<i>Agent</i>	DAC Enterprises, Inc.
<i>Applicant</i>	Juan G. & Sonya V. Fernandez
<i>Request(s)</i>	Zone Map Amendment
<i>Legal Description</i>	Lots 358, 359 & 360, Rio Grande Heights Addition
<i>Location</i>	55 th Street SW between Gonzales Rd. and Sunset Gardens Rd. SW
<i>Size</i>	Approximately 0.5 acres
<i>Existing Zoning</i>	P-R Parking Reserve
<i>Proposed Zoning</i>	R-2 Residential

Staff Recommendation

APPROVAL of 10EPC-40006, based on the Findings beginning on Page 13.

Staff Planner

Carol Toffaleti, Planner

Summary of Analysis

The zone map amendment from P-R to R-2 is for lots 358, 359 & 360, Rio Grande Heights Addition, a site of approximately 0.5 acres located on 55th St. SW between Gonzales and Sunset Gardens. The request would restore the previous zoning of the site and make an existing dwelling on it a permissive use.

The site is in the Established Urban Area of the Comprehensive Plan and within the West Side Strategic Plan area.

The applicant provided an acceptable justification for the change per R-270-1980. The proposed zone matches that of adjoining properties to the north and south and will act as a buffer between C-3 zoning to the east and the R-1 subdivision to the west. The existing P-R zoning no longer satisfies a need for parking originally associated with a business in the adjoining C-3 zone.

Property-owners, the Alamosa NA, South Valley Coalition of NAs, Southwest Alliance of Neighbors (SWAN), West Side Merchants Assn. and the Westside Coalition of NAs were notified. There is no known opposition to the request.

Location Map (3" x 3")

I. AREA CHARACTERISTICS

Surrounding zoning, plan designations, and land uses:

	<i>Zoning</i>	<i>Comprehensive Plan Area; Applicable Rank II & III Plans</i>	<i>Land Use</i>
<i>Site</i>	P-R Parking Reserve	Established Urban Area; West Side Strategic Plan	residential, parking
<i>North</i>	R-2 Residential	same	residential
<i>South</i>	R-2 "	same	residential
<i>East</i>	C-3 Heavy Commercial	same	retail, storage of construction vehicles
<i>West</i>	(55 th St) R-1 Residential	same	single-family residential

II. INTRODUCTION

Request

The request is a zone map amendment from P-R to R-2 for Lots 358, 359 and 360, Rio Grande Heights Addition, a site of approximately 0.5 acres located on 55th Street SW between Gonzales and Sunset Gardens Rd. SW. The purpose of the zone change is to restore the previous zoning of the property and allow retention of an existing dwelling unit as a permissive use. The request is pursuant to Code Enforcement notice that the residential use is in violation of the Zoning Code.

The applicant also owns the adjoining three lots to the east, which are zoned C-3 and have an address of 649 Old Coors SW. The applicant informed staff that the occupant of the dwelling on the subject site is acting in part as a watchman for the C-3 property. The applicant has said that he owns some of the vehicles parked on the subject site and, if the zone change is approved, will move them to his C-3 property which is mostly an open asphalt area.

The subject site is in the Established Urban Area of the Comprehensive Plan and within the boundaries of the West Side Strategic Plan.

The EPC has sole authority to amend the zoning of the site because it is less than 1 block in area, per §14-16-4-1(C)(10).

Context

A manufactured home, on a permanent foundation and surrounded by a small yard, occupies most of lots 358 and 359, and faces 55th Street. The remainder of the site, including all of lot 360, is an asphalt parking area used primarily by the occupant and his family. There are two curb-cuts: one provides access to the house and the other to the parking area. A CMU wall with gates encloses the north, south and west sides of the property, and a fence runs along the east side.

The subject site is within an irregular block bounded by Old Coors Dr., Sunset Gardens Rd., Dolores Dr., 55th St. and Gonzales Rd. To the north is a property zoned R-2 that contains a single-family home. To the south is another dwelling on property zoned R-2. To the east are three lots fronting Old Coors Dr. that are zoned C-3 and contain small commercial structures, including a retail use, and a large asphalt area used for parking and storing vehicles. Across 55th St. is the eastern edge of the Alamosa neighborhood zoned R-1.

The West Central Metropolitan Redevelopment Area extends south along Old Coors Blvd. and includes the lots east of the subject site. There are no current or proposed city redevelopment projects in proximity to the site, per the city's Metropolitan Redevelopment Agency.

History

In 1980, the EPC approved a zone change from R-2 to P-R for the subject site (Z-80-65, 6/16/1980, att.). Although not specified in the notice of the decision, the applicant, who owned the property at the time, requested the change to provide additional parking, circulation and access for his equipment rental business, which operated out of the adjoining lots fronting on Old Coors Dr. The approval was "subject" to findings, including:

- "2. A solid wall or fence, 6' high, surrounding the premises on 3 sides is required, along with a 5' wide landscape buffer.
3. Access shall be from Coors Blvd. only."

These requirements are standard for the P-R zone, which refers to the P zone and, in turn, to the parking lot use in the O-1 zone (§14-16-2-15 (A)(12)(d) & (e)): screening is required on sides abutting a residential zone, and traffic is discouraged from using local residential streets for more than 150 ft. if there is a reasonable alternative.

Despite the requirements in the EPC findings, vehicular access from 55th Street is possible because of an opening in the block wall.

In 2004, a conditional use to allow for watchman's quarters on the site was approved by the Zoning Hearing Examiner (ZHE) (#1003123, 04ZHE-00087, 4/29/04, att.). The stated reason for the request was to improve security for the applicant's car dealership on the adjoining lots 341, 342 and 343 at 649 Old Coors Rd. SW. The lots on Old Coors Rd. zoned C-3 were included in the application, but the watchman's quarters were specifically approved for the P-R portion of the applicant's property. The ZHE's notice of decision mentioned that the structure would be constructed on a permanent foundation and comply with the necessary landscaping. As noted in the Background section of the applicant's letter, a dwelling of any kind is not allowed as a conditional use in a P-R zone, and only a mobile home used as a watchman's quarters may be allowed as a conditional use in the C-3 zone.

Conditional uses for a mobile home and a dwelling unit on commercial properties in the same block, at #659 and #663 Old Coors Dr., were granted in earlier years (ZA-86-329 & ZA-98-436).

Long Range Roadway System

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways.

The Long Range Roadway System map designates Old Coors Dr. as a Collector street, whereas the Current Roadway Classification in the Metropolitan Transportation Plan (2007) designates it as an existing Minor Arterial, with a right-of-way of 86'. The Traffic Engineer believes the discrepancy is due to the fact that Coors Blvd. is a newer thoroughfare that was designed in part to take the traffic load off Old Coors Dr.

55th St. is a local street.

The Long Range Bikeway System map designates existing bike lanes on Old Coors Dr..

Public Facilities/Community Services

ABQ Ride: the #66 Central and #766 Rapid Ride operate 7 days a week on Central Ave., and the #54 Bridge/Westgate operates 6 days a week on Bridge. The routes are approximately ¼ mile from the site.

Two elementary schools, a library, fire station, community center, parks and a former municipal landfill are within 1 mile of the site.

III. ANALYSIS OF APPLICABLE ORDINANCES, PLANS AND POLICIES

Albuquerque Comprehensive Zoning Code

The existing P-R Reserve Parking zone (§14-16-2-27) designates lots reserved for off-street parking required by §14-16-3-1 of the Zoning Code with regard to a use on another lot. The zone states:

- (A) All regulations of the P zone apply.
- (B) Hereafter, the PR zone satisfies the required off-street requirements of one or more other lots only when such lots are specified in the resolution or motion adopting or amending the PR designation.

The P regulations (§14-16-2-26) refer to off-street parking, parking lot as regulated in the O-1 zone, and signage.

Relative to (B), the notice of decision for the 1980 zone change to P-R does not specify which lots the parking is meant to serve. (It should have, since (B) came into effect two years earlier per Code Enforcement, in 1978.) Nevertheless, information in the application and in the staff report indicate that the P-R zone would provide parking for the three adjoining lots to the east on Old Coors, zoned C-3. These lots were being used as an equipment rental business. The current applicant does not need the area for off-street parking associated with his adjoining C-3 property.

The proposed R-2 zone (§14-16-2-11) provides suitable sites for houses, townhouses, and medium density apartments, and uses incidental thereto in the Established and Central Urban

Areas. It would transform the existing conditional residential use on the property to a permissive use, and prohibit continued use of the site for commercial access and parking. In their comments on the request, Code Enforcement stated that, if the zone change is approved, the applicant would have to lower the existing 6 ft wall on 55th Street to 3 ft, or obtain a variance.

Resolution 270-1980 (Policies for Zone Map Change Applications)

This Resolution outlines policies and requirements for deciding zone map change applications pursuant to the Comprehensive City Zoning Code. There are several tests that must be met and the applicant must provide sound justification for the change. The burden is on the applicant to show why a change should be made, not on the City to show why the change should not be made.

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: there was an error when the existing zone map pattern was created; or changed neighborhood or community conditions justify the change; or a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan.

The applicant submitted a revised justification letter dated February 15, 2010 and supplemental information in emails dated February 24 and 25, 2010. Staff has summarized the applicant's arguments in regular text and analyzed the justification in ***bold italics***.

- A. *A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the city.*

Applicant: The request would rezone the site to match the zoning to its north and south and eliminate parking across from a single family zone. Water, sewer and public transportation are available on or near the site. Any redevelopment would require an approved grading and drainage plan that would assure the safety and integrity of the site and of nearby properties. The zone change would have limited additional impact on schools and recreational facilities, as the property is already being used for a single family home.

The proposed zoning is consistent with the zoning to the north and south, which will contribute to the health, safety, morals and general welfare of the city. Note that bus routes are not very near to the site, as they are around 1/4 mile away.

- B. *Stability of land use and zoning is desirable; therefore the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the city to show why the change should not be made.*

Applicant: The P-R category is not appropriate based upon the R-2 zoning that borders the parcel on two sides and the residential zoning to the west. The P-R zoning was created to allow parking for the adjacent heavy commercial zone to the west, but the use is incompatible with the residential character of 55th Street between Dolores and Gonzales, and is no longer needed. The residents of the dwelling now park their vehicles on the site, and the applicant understands that he will have to remove any commercial vehicles he has on the site, if the rezoning is approved.

Staff agrees. Staff also finds that eliminating the P-R zone will help stabilize land use and zoning in the area, since the site no longer fulfills a parking need associated with the adjoining commercial property on Old Coors Dr.

- C. *A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other city master plans and amendments there, to, including privately developed area plans which have been adopted by the city.*

Albuquerque / Bernalillo County Comprehensive Plan

The subject site is located in the area designated *Established Urban Area* by the Comprehensive Plan with a Goal to “create a quality urban environment, which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment.”

The applicant cited and discussed the following policies to justify the request:

Policy II.B.5.a: The Developing Urban and Established Urban Areas as shown by the Plan map shall allow a full range of urban land uses, resulting in an overall gross density up to 5 dwelling units per acre.

Applicant: The request furthers the policy because the current zoning only allows parking uses.

Staff generally agrees, in that the zone change would allow a wider range of uses than the existing zoning.

Policy II.B.5.d: The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern.

Applicant: The site is already developed with a single family home. The lots to the west across 55th Street are zoned R-1 and the lots to the north and south of the site are zoned R-2. The properties to the east of all the R-2 lots on the block are zoned C-3 and are on Old Coors. The request would serve as a buffer between the C-3 zoning and the R-1 zoning across the street.

Staff finds that the policy is applicable in terms of the location and intensity of potential future development on the site, but not in terms of design, since the request is for a zone change only. Staff agrees that the proposed R-2 zoning would respect the values of the existing residential neighborhood, by creating a more effective buffer between heavy commercial uses on Old Coors Dr. and the residential neighborhood to the west.

Policy II.B.5.e: New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.

Applicant: Although there is a dwelling unit on part of the site, the request would also allow infill development contiguous to all urban facilities. There is no known opposition from any

of the existing neighborhoods. The Alamosa Neighborhood Association (NA) supported the conditional use for a dwelling unit on the site in 2004.

Staff agrees that the site is contiguous to urban facilities, but not that it is vacant, because it contains a dwelling and an asphalt area used by the residents and applicant to park their vehicles. Although the policy is only partially applicable, Staff believes that the site could be redeveloped under R-2 zoning without harming the integrity of the existing neighborhood.

Policy II.B.5.o: Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened.

Applicant: The request would allow a non-conforming dwelling unit to become conforming and allow future redevelopment under R-2 zoning regulations, which would strengthen this older neighborhood.

Staff agrees that the request would strengthen the neighborhood. It would legalize the existing residential use, which is compatible with other uses and zoning along 55th Street. It would also allow future redevelopment under the same zoning regulations that apply to all the other properties on the east side of 55th Street in the same block.

Policy II.B.5.p: Cost-effective redevelopment techniques shall be developed and utilized.

Applicant: The property has been developed by the property-owner at no cost to the City of Albuquerque.

Staff does not consider that the policy is applicable to the request. The existing home was approved as a conditional use back in 2004 to provide watchman's quarters for the adjoining business on Old Coors and was not billed as a redevelopment of the property. The dwelling will apparently remain for the foreseeable future. The zone change would allow future redevelopment of the site for residential use, which is likely to be through private investment.

Air Quality Policy II.C.1.i: Air quality considerations shall be integrated into zoning and land use decisions to prevent new air quality/land use conflicts.

Applicant: The change to R-2 zoning would mitigate air quality/land use conflicts that would exist if the property were ever to be fully utilized for parking of vehicles under the current P-R zoning.

Staff does not consider that there is a strong nexus between the request and this policy, but agrees that full use of the site for parking could have more air quality impacts than the traffic generated by full use of the site under R-2 zoning.

Housing Goal: To increase the supply of affordable housing; conserve and improve the quality of housing; ameliorate the problems of homelessness, overcrowding, and displacement of low income residents; and assure against discrimination in the provision of housing.

Policy II.D.5.a: The supply of affordable housing, shall be preserved and increased and the opportunity to obtain standard housing for a reasonable proportion of income assured.

Applicant: The zone change would clearly delineate the property used as a dwelling from the C-3 property. The existing modular dwelling may be sold at some point, but would be affordable.

Staff generally agrees that the rezoning would retain the existing dwelling, which may be considered affordable. The rezoning would prevent displacement of the current occupant, which would result from removal of the dwelling due to its current non-compliance with the Zoning Code. The site may also be redeveloped in the future to include more dwelling units, such as townhouses or apartments, which may provide reasonably-priced housing.

Policy II.D.5.d: Availability of a wide distribution of decent housing for all persons regardless of race, color, religion, sex, national origin, ancestry, or handicapped status shall be assured.

Applicant: The current P-R zone provides no opportunity to further this policy, and removal of the dwelling unit from the P-R property would be in direct conflict with it.

The applicant states the negative result of retaining the existing P-R zoning, implying that the change to R-2 would have an opposite positive effect. Staff agrees with the gist of the argument.

Economic Development Policy II.D.6.f: The City and the County should remove obstacles to sound growth management and economic development throughout the community.

Applicant: P-R zoning is inappropriate in a residential area. The zone change would allow the existing [residential] use to remain.

Staff does not consider that the applicant has clearly demonstrated a link between the request and the policy. Nevertheless, it appears that there is no longer a need for additional parking in conjunction with the adjoining commercial property. The absence of opposition to the change from surrounding property-owners supports this view, as they might otherwise be concerned about a parking spillover problem in the neighborhood. In addition, the parking use granted in 1980 has been at least partially pre-empted by the conditional use granted for a residence (watchman's quarters) approved by the ZHE in 2004.

West Side Strategic Area Plan (Rank 2)

The *West Side Strategic Plan (WSSP)* was first adopted in 1997 and has been amended several times, most recently in March 2009. The WSSP area is bounded by the Sandoval County line on the north, the Rio Puerco Escarpment on the west, a line south of Gun Club Road (the Atrisco Grant line) on the south, and the Rio Grande on the east for areas north of Central, and Coors Boulevard on the east for areas south of Central. It encompasses over 96,000 acres of land, or approximately 150 square miles. Specific boundaries are shown on the Plan Boundary map on p.2 in the WSSP.

The WSSP identifies thirteen communities in established areas of the West Side that are partially developed and describes how community concepts can be applied. A Community is comprised of a Neighborhood Center(s) and Community Center(s), and the Plan outlines uses that should occur within the centers, as well as uses that should occur in areas adjacent to the centers. The WSSP emphasizes throughout its text the concept of commercial development in cluster configurations in contrast to the traditionally evolved strip commercial development.

The recent amendments to the WSSP include several changes to policies, activity center boundaries and locations, and clarifications of conflicting and unclear policies. The adopting resolution of amendments in 2002 (R-01-278, Enactment No. 35-2002) has a section that reads:

“Section 3. The West Side Strategic Plan is a Rank 2 Plan and its provisions shall be mandatory except where they conflict with existing zoning.”

The 2009 Amendment incorporates the Southwest Albuquerque Strategic Action Plan with the primary goal of transforming the area into a complete community (R-08-169, Enactment R-2009-035).

Applicable goals and objectives include:

Goal 12. The Plan should provide for long-term sustainable development on the West Side.

Objective 4. Preserve a sense of community and quality of life for all residents based on wise, long-term decision-making.

Although the applicant did not cite Goal 12 and Objective 4, staff believes the request furthers them by correcting a zoning violation and designating the entire site for a residential use. This supports sustainable development and improves quality of life for residents of the site and of the surrounding residential neighborhood.

Policy 1.1: Thirteen distinct communities, as shown on the community plan and described individually in this plan, shall constitute the existing and future urban form of the West Side. Communities shall develop with areas of higher density (in community and neighborhood centers), surrounded by areas of lower density. Bernalillo County and the City of Albuquerque Planning Commission shall require that high density and non-residential development occur within Community and Neighborhood Centers. Low-density residential development (typical 3-5du/acre subdivisions or large lot rural subdivisions) shall not be approved within the centers.

Applicant: the site is not located within one of the identified communities and does not conflict with the policy.

The site is actually within the boundaries of the West Central Community. The low and medium density housing permitted in the R-2 zone is consistent with the policy, since the site is outside a community or neighborhood center.

Policy 1.3: Strip commercial developments shall not be approved on the West Side. Commercial development shall occur in concentrated clustered areas rather than new strip developments. Zone changes to commercial, industrial, or office uses for areas outside the centers are strongly discouraged, in order to reinforce the Neighborhood and Community Centers. Changes of commercial and office zoning outside the centers to residential use is encouraged except where area schools are at or over design capacity. In cases where area schools are at or over their designed capacity, zone changes from non-residential to residential uses should be denied unless the applicant demonstrates that the proposed development will create no net increase in enrollment for area schools (e.g. senior housing). This policy is meant to impact the design and layout of commercial areas and their connections to adjacent development and to encourage clustering of commercial and office uses in activity centers. It is not intended to rezone allowed commercial uses.

Applicant: The net impact of the zone change on area schools would be minimal in future, and there is an existing dwelling on the site. The policy also uses the word “should” not “shall”. The request does not merit denial under this policy.

Staff agrees that the request does not conflict with the policy. Albuquerque Public Schools identified no current impact on schools, but possible future impact if the site is redeveloped, which would be addressed at that time if appropriate.

Policy 3.29: The residential areas south of West Central Avenue within this Community should remain rural in character and density. Zone changes to higher-density residential or for additional commercial services should not be supported in this area, except in areas along Bridge Street, or near the intersection of Bridge and Coors.

Applicant: The zone change would not further the policy, but the re-establishment of R-2 on a property with R-2 on both sides does not conflict with its intent. R-2 is not a high density residential zone and the land use surrounding it is not rural in character.

Staff agrees that the request does not conflict with the policy. In addition, staff finds that the site could only accommodate low or medium density housing, because it is small and within 85’ of R-1 zoning, which limits building height to 26 ft.

Applicant’s Conclusion for Section C: The request is not in significant conflict with these plans.

Staff agrees.

Note that the applicant did not find that any policies of the Southwest Albuquerque Strategic Action Plan were applicable, and staff concurs.

D. The applicant must demonstrate that the existing zoning is inappropriate because:

1. There was an error when the existing zone map pattern was created; or
2. Changed neighborhood or community conditions justify the change; or

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3. *A different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other city master plan, even though (D)(1) or (D)(2) above do not apply.*

Applicant: A different use is more advantageous to the community as noted in several supporting policies of Comprehensive Plan and West Side Strategic Plan [see Section C].

Staff agrees and also finds that the existing P-R zoning is not appropriate because it does not meet a defined need for additional off-street parking by a use on another property.

- E. *A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood, or the community.*

Applicant: The rezoning will allow the property to be developed according to the same requirements as the adjoining lots to the north and south. No new and potentially harmful uses would be added to the neighborhood. The proposed R-2 zone is a standard zone and will provide a buffer between the C-3 zoning on Old Coors and the R-1 zoning across 55th St.

Staff agrees.

- F. *A proposed zone change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the city may be:*

1. *Denied due to lack of capital funds; or*
2. *Granted with the implicit understanding that the city is not bound to provide the capital improvements on any special schedule.*

Applicant: The rezoned site would require no capital expenditure by the City to be developed.

Staff agrees.

- G. *The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.*

The applicant asks for no consideration of economic issues regarding the request.

Staff agrees.

- H. *Location on a collector or major street is not in itself sufficient justification for apartment, office, or commercial zoning.*

Applicant: The property is not located on a collector street.

Staff agrees.

- I. *A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a "spot zone." Such a change of zone may be approved only when:*

1. *The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or*

2. *The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.*
- J. *A zone change request, which would give a zone different from surrounding zoning to a strip of land along a street is generally called "strip zoning." Strip commercial zoning will be approved only where:*
 1. *The change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area development plan; and*
 2. *The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.*

Applicant: The request is not a spot zone, because parcels to the north and south are zoned R-2, and is not strip zoning.

Staff agrees.

IV. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies/Pre-Hearing Discussion

Comments begin on p. 16. There were no significant comments on the zone change, except that Zoning Services noted that the existing 6' high block wall on 55th St. would need to be cut down or a special exception obtained. Note that approval of a request for "straight" zoning, i.e. zoning that does not also require site development approval, is not subject to conditions. Any regulations of a new straight zone would be enforced according to standard procedures of the Code Enforcement Division of the Planning Department.

Neighborhood/Public

Property-owners within 100', the Alamosa Neighborhood Association (NA), the South Valley Coalition of NAs, the South West Alliance of Neighbors, the West Side Merchants Association and the Westside Coalition of NAs were notified. No facilitated meeting was held. An email was received from the President of the Alamosa NA stating that the NA does not oppose the zone change. There is no known opposition to the request.

V. CONCLUSION

The request to rezone the property from P-R to R-2 is consistent with a preponderance of applicable goals and policies in the Comprehensive Plan and the West Side Strategic Plan. The applicant provided an acceptable justification for the zone change, by demonstrating that it is

compatible with the character of the surrounding area and is more advantageous to the community as articulated in city plans.

There is no known opposition to the request.

Staff recommends approval.

FINDINGS - 10EPC-40006, March 11, 2010, Zone Map Amendment

1. The request is a zone map amendment from P-R to R-2 for Lots 358, 359 and 360, Rio Grande Heights Addition, a site of approximately 0.4 acres located on 55th Street SW between Gonzales and Sunset Gardens Rd. SW. The purpose of the zone change is to restore the previous zoning of the property and allow retention of an existing dwelling unit as a permissive use. The request is pursuant to Code Enforcement notifying the applicant that the dwelling is in violation of the Zoning Code.
2. The subject site is in the Established Urban Area of the Comprehensive Plan and within the boundaries of the West Side Strategic Plan (Rank 2).
3. The Albuquerque/Bernalillo County Comprehensive Plan, the West Side Strategic Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
4. A zone change from R-2 to P-R on the subject site was approved in 1980 by the EPC (Z-80-65, 6/16/1980). Although not specified in the notice of decision as required in §14-16-2-27(B) of the P-R zone, the application and staff report indicate that the site was to provide additional off-street parking for a business on adjoining property to the east in the same ownership (lots 341, 342 and 343 at 649 Old Coors Rd. SW). The P-R zoning is no longer needed and its removal will not create conflicts of parking, circulation or access on adjacent properties.
5. A conditional use to allow for a watchman's quarters on the site was approved by the Zoning Hearing Examiner (ZHE) in 2004 (#1003123, 04ZHE-00087, 4/29/04, att.). The stated reason for the request was to improve security for the applicant's car dealership on the adjoining lots 341, 342 and 343 at 649 Old Coors Rd. SW. The lots on Old Coors Rd. zoned C-3 were included in the application, but the watchman's quarters were specifically approved for the P-R portion of the applicant's property. A dwelling of any kind is not allowed as a conditional use in a P-R zone and the car dealership is no longer in operation on the C-3 site.
6. Upon approval of the zone map amendment, Code Enforcement will require the applicant to lower the existing wall on 55th St. to 3 ft, or obtain a variance from the ZHE, and to remove any vehicles on the subject site associated with their adjoining commercial property at 649 Old Coors Rd. SW.
7. Properties to the north and south of the subject site within the block are zoned R-2. Properties across 55th Street are zoned R-1.

8. The applicant provided an acceptable justification for the zone change per Resolution 270-1980:
- A. The proposed zone change is consistent with the health, safety, morals, and general welfare of the city. The proposed R-2 zoning is compatible with existing zoning on both sides of 55th Street and the site is already served by public services and infrastructure. Future development in an R-2 zone would have minimal impact on local schools given the small size of the site and the requirements of R-2 zoning.
 - B. The stability of land use and zoning will be maintained, because the request would legalize the current residential use of the property and restore the original residential zoning of the site, which matches the zoning of other properties in the same block along the east side of 55th Street. The current P-R zoning no longer fulfills a need associated with the C-3 lots east of the site. The applicant provided a sound justification for the change.
 - C. The proposed change is not in significant conflict with adopted elements of the Comprehensive Plan (CP) and West Side Strategic Plan (WSSP) which have been adopted by the city:
 - CP Policy II.B.5.a: The request would expand the range of urban land uses allowed on the site, which is in the Established Urban Area.
 - CP Policy II.B.5.d: The location and intensity of development under the proposed R-2 zoning will respect the values of the existing residential neighborhood, by creating a more effective buffer between heavy commercial uses and the residential subdivision to the west.
 - CP Policy II.B.5.o: The request would legalize an existing dwelling unit and allow future infill development and redevelopment under R-2 zoning regulations, which would strengthen this older residential neighborhood.
 - CP Housing Goal and policies II.D.5.a & d: Restoring the original R-2 zoning will allow the existing dwelling to remain and provide an opportunity for future development of decent, reasonably-priced housing.
 - WSSP Policy 1.1: The proposed zoning permits low and medium density housing, which is appropriate on a site that is located outside community or neighborhood activity centers in the West Central Community.
 - WSSP Policy 3.29: The request will replace redundant parking, that was associated with a former commercial use on Old Coors, with R-2 zoning that allows low and medium density housing, which is more compatible with the character of the residential area south of West Central.
 - D. The existing P-R zoning is inappropriate, because off-street parking for an adjoining commercial use is no longer needed on the subject site and the proposed R-2 category is more advantageous to the community, as articulated in elements of city plans that were cited and discussed above under C.

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- E. The permissive uses in the proposed zone will not be harmful to adjacent property, the neighborhood, or the community. The rezoning will allow the property to be developed according to the same requirements as the adjoining lots to the north and south. The proposed R-2 zone will also provide a buffer between the C-3 zoning on Old Coors and the R-1 zoning across 55th St. from the site.
 - F. Future development of the site under the proposed zoning will not require major and unprogrammed capital expenditures by the city.
 - G. The cost of land or other economic considerations pertaining to the applicant are not the determining factor for a change of zone.
 - H. The subject site is not located on a collector or major street.
 - I. The request is not for a spot zone, because adjacent parcels to the north and south are zoned R-2.
 - J. The request does not create strip zoning.
9. Property-owners within 100', the Alamosa Neighborhood Association (NA), the South Valley Coalition of NAs, the South West Alliance of Neighbors (SWAN), the West Side Merchants Association and the Westside Coalition of NAs were notified. No facilitated meeting was held. There Alamosa NA does not oppose the zone change, and there is no known opposition to the request.

RECOMMENDATION - 10EPC-40006, March 11, 2010

APPROVAL of 10EPC-40006, a Zone Map Amendment from P-R to R-2, for Lots 358, 359 and 360, Rio Grande Heights Addition, based on the preceding Findings.

Carol Toffaleti
Planner

cc: Juan & Sonya Fernandez, 649 Old Coors Rd. SW, Albuquerque, NM 87121
Jeanette Baca, Alamosa N.A., 901 Field SW, Albuquerque, NM 87121
Jerry Gallegos, Alamosa N.A., 417 65th Street SW, Albuquerque, NM 87121
Susan White, South Valley Coalition of N.A.s, 2736 Los Padillas SW, Albuquerque, NM 87105
Marcia Fernandez, South Valley Coalition of N.A.s, 2401 Violet SW, Albuquerque, NM 87105

Klarissa Pena, South West Alliance of Neighbors, 6013 Sunset Gardens SW, Albuquerque, NM
87121

Louis Tafoya, South West Alliance of Neighbors, 6411 Avalon Rd. NW, Albuquerque, NM
87105

Attachments

Z-80-65, 6/16/1980

#1003123, 04ZHE-00087, 4/29/04

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Code Services

Wall on 55th will need to be cut down to 3 feet or a special exception obtained for it to remain.

Office of Neighborhood Coordination

Alamosa NA (R)
South Valley Coalition of NA's
South West Alliance of Neighbors (SWAN)
Westside Coalition of NA's

Long Range Planning

The site is within the boundaries of the Westside Strategic Plan and the Southwest Area Plan and in the Established Urban area of the Comprehensive Plan.

This request would seem to be compatible with the surrounding development.

CITY ENGINEER